REMARKS / ARGUMENTS

The Applicant thanks the Office for the careful consideration given to his application in the communication mailed 08/08/2005. In that communication, the Office required restriction to either Group I, represented by claims 1 and 2, and Group II, represented by claims 3 – 15. Claim 5 was objected to because of informality. Claims 3 – 6, 8, 10, and 12 – 15 were rejected as being unpatentable under 35 USC 103(a). Claims 7, 9, and 11 were objected to as being dependent on a rejected claim base, but would be allowable if rewritten in independent form.

Applicant hereby confirms the election of Group II, and withdraws Claims 1 and 2.

Claims 3 and 4 are canceled without prejudice.

Claim 5 is amended to remove the informality by changing "an" to -- a --.

Claims 7, 9, and 11 are rewritten in this amendment in independent form, and include all the limitations of the base claim and any intervening claims. Therefore, claims 7, 9, and 11 should be allowable.

Claims 8, 10, and 12 – 14 are rewritten to depend from allowed claims. Therefore, these claims, and claim 15, should now be allowable.

The applicant's response to the rejection of claims 5, 6, 8, 10, 12, 14, and 15 under 35 USC 103(a) will address only the rejection of independent claim 5, since the other claims depend directly or indirectly from claim 5. If the independent claim is non-obvious under 103, then any claim depending therefrom is non-obvious. MPEP 2143.03, citing In re Fine, 5 USPQ2d 1596 (Fed. Cir. 1988).

Applicant asserts that claim 5 is non-obvious, first, because the Office failed to present a prima facie case of non-obviousness. To establish a prima facie case of obviousness, all the claim limitations must be considered. MPEP 2143.03, citing In re Royka, 180 USPQ 580 (CCPA 1974), and In re Wilson, 165 USPQ 494, 496 (CCPA 1970). The first claim limitation that was not considered was that the subject matter of the claim is a "method of making gas turbine transition duct bodies." None of the cited references teach or suggest any

method of making gas turbine transition duct bodies.

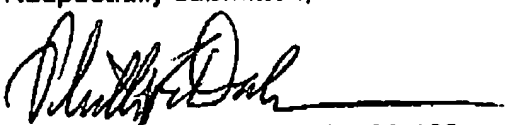
The second claim limitation that was not considered was the limitation of "providing a hemispherical bellows thruster." The Office says in its communication of 8/8/2005 that Schulz (US 5,694,494) provides a bellows thruster 22, 24. However, Schulz describes this item as an "end cap." These end caps are shown as circular plates in Figs. 1, 2, 4, and 5 of Schulz. To identify these flat end caps of Schulz as the same as the hemispherical bellows thruster of the present invention would do violence to the plain meaning of the words, and should not be permitted.

The Office also says that the Komiya (US 6,332,346) teaches various shapes of a bellows thruster 24, including hemispherical. Komiya actually refers to item 24 as a "bottom member." Furthermore, none of the bottom members have a bellows structure. The applicant submits a Declaration herewith under Rule 132 to explain the technical differences between his invention and the cited references. *See* Ex parte Franklin, 41 USPQ 43 (Pat. Off. Bd. App. 1938).

Applicant asserts that claim 5 is non-obvious, second, because Shulz and Komiya are non-analogous prior art. MPEP 2141.01(a). Neither Schulz nor Komiya are in the field of transition duct bodies. In fact, no hydroforming process would was in the field of transition duct pieces until the Applicant's invention was made. For these reasons, the Applicant believes that claim 5 is non-obvious. Claim 5, and each claim depending from it, should therefore be allowable.

Applicant suggests that all remaining claims are allowable, and respectfully requests that a Notice of Allowance be issued in this case.

Respectfully submitted,



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